IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2590 of 2005

Between:

Seelam Issac Memorial Church, S.Kota, rep. by its President and Paster Mr. Jagajeeva Rai Seelam, S/o Late S. Issac, 57 years, R/o S. Kota.

..... PETITIONER

AND

1 District Collector, Vizianagaram.
2 The Mandal Revenue Officer, S. Kota Mandal, S.Kota, Vizianagaram District.
3 The Girijana Primary Cooperative Marketing Society, rep. by its Manager/Supervisor, S. Kota village, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent proposing to demolish the chruch of the compound wall of the petitioner, without following procedure is bad, illegal arbitrary and violative of principles of natural justice.

Counsel for the Petitioner: MR.KURITIBHASKARA RAO

Counsel for the Respondent No.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: --

This Court at the admission stage made the following :

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the respondents in seeking to demolish the compound wall of the petitioner-Church situated in Survey No.187 of Srungavarapukota, S. Kota Mandal, Vizianagaram District as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is stated that on 11-01-2005 a notice was issued to the petitioner-Church by the second respondent, Mandal Revenue Officer calling upon the petitioner to appear before the Mandal Revenue Officer on 12-1-2005 at 10.00 a.m. together with all the available record for the purpose of enquiry into the illegal encroachments into the Government land situated in Sy.No.188/4 of Sringavarapukota Village and Mandal. The petitioner states that in pursuance of the said notice, on 06-02-2005 detailed explanations were submitted to the Mandal Revenue Officer as well as the District Collector, Vizianagaram. Thereafter, no orders have been passed by the respondents so far, but the respondents 2 and 3 visited the site on 10-2-2005 and threatened the petitioner that the compound wall of the petitioner Church will be demolished if he fails to remove the same in a day. The petitioner states that the

Church has been in existence from the year 1941 and the allegations of encroachment are all false and baseless. At any rate, the petitioner contends that the respondents ought not to have initiated coercive steps without passing any order in the enquiry.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 and 2 and particularly in view of the fact that the petitioner has already submitted explanations and that no orders have been passed by the respondents so far, the writ petition is disposed of with a direction to the respondents 1 and 2 to consider the explanations submitted by the petitioner on 06-02-2005 and pass appropriate orders as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order and communicate the same to the petitioner. Till such time, there shall be a direction to the respondents 1 and 2 not to demolish the structures in question. No costs.

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(**G. ROHINI, J**)

Date: 02-03-2005

ghn

To

1 The District Collector, Vizianagaram.
2 The Mandal Revenue Officer, S. Kota Mandal, S. Kota, Vizianagaram District.
3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T)

4. One CC to Mr. Bhaskara Rao

5. Two CD copies.

6. The Manager/Supervisor, Girijana Primary Cooperative Marketing Society, S. Kota village, Vizianagaram District.